

IN THE MATTER OF GRAHAM PULFORD, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. K.I.B. Yeaman (in the Chair)
Mr. D.W. Faull
Mr. M.C. Baughan

Date Of Hearing: 26th March 1996

FINDINGS

of the Solicitors' Disciplinary Tribunal
constituted under the Solicitors Act 1974

An application was duly made on behalf of the Solicitors Complaints Bureau by Geoffrey Williams solicitor of 36 West Bute Street, Cardiff that Graham Pulford of Faversham, Kent solicitor might be required to answer the allegations contained in the statement which accompanied the application and that such Order might be made as the Tribunal should think right.

The allegations were that the respondent had been guilty of conduct unbefitting a solicitor in each of the following respects, namely that he had:-

- (i) failed to maintain properly written books of account contrary to Rule 11 of the Solicitors Accounts Rules 1991;
- (ii) drawn monies out a client account otherwise than in accordance with Rule 7 of the Solicitors Accounts Rules 1991 contrary to Rule 8 of the said Rules;
- (iii) practised as a solicitor whilst there was no Practising Certificate in force in relation to such a practice;

- (iv) made a false statement in an application for a Practising Certificate contrary to Section 9(5) of the Solicitors act 1974;
- (v) used clients' funds for his own purposes.

The application was heard at the Court Room, No.60 Carey Street, London, WC2 on the 26th March 1996 when Geoffrey Williams solicitor and partner in the firm of Messrs. Cartwrights Adams & Black of 36 West Bute Street, Cardiff appeared for the applicant and the respondent did not appear and was not represented.

At the conclusion of the hearing the Tribunal ORDERED that the respondent Graham Pulford of , Faversham, Kent be Struck Off the Roll of Solicitors and they further ordered that he pay the costs of and incidental to the application and enquiry fixed in the sum of £4,464.49 inclusive.

The evidence before the Tribunal included evidence as to substituted service which was accepted by the Tribunal and evidence that the applicant had served appropriate notices upon the respondent.

The facts are set out in paragraphs 1 to 12 hereunder.

1. The respondent, born in 1941, was admitted a solicitor in 1970. At the material times he practised on his own account as G. Pulford & Co., at West House, 115 West Street, Faversham, Kent. The last known address of the respondent was 1 Station Road Faversham, Kent.
2. Upon notice duly given an inspection of the respondent's books of account was carried out by the Investigation Accountant of the Law Society. A copy of his report dated the 23rd December 1993 was before the Tribunal.
3. The Investigation Accountant's report revealed that the respondent had practised alone since the 1st December 1991 and conducted a mainly Legal Aid practice assisted by an unadmitted staff of two.
4. He went on to report that the respondent's books of account were not in compliance with the Solicitors Accounts Rules. A list of liabilities to clients as at the 19th October 1993 was extracted by the Investigation Accountant and totalled £22,138.39. Additional liabilities to two clients totalling £431.25 existed which were not shown by the books. The further liabilities were added to the extracted liabilities and totalled £22,569.64: a comparison of that figure with cash held on client bank account at that date revealed a cash shortage of £445.25. The respondent agreed the existence of a cash shortage but said he was then not able to replace it.
5. The cash shortage arose because clients' funds had been improperly transferred to a private account on two occasions in sum of £411.25 and £20 and bank charges of £14 had been debited to client bank account. The £411.25 transferred related to Counsel's fees which remained unpaid.

6. Again following due notice, a further inspection of the respondent's books of account was carried out. The Tribunal had a copy of the Investigation Accountant's report dated the 14th February 1994. That report revealed that the respondent's books were not in compliance with the Solicitors Accounts Rules as client account cash book had not been written up and no client account reconciliations had been performed later than the 19th October 1993. The respondent still had not replaced the earlier cash shortage of £445.25.
7. During the second visit the respondent contended that the improper transfer in respect of Counsel's fees of £411.25 was made on the instruction of his client and as such did not constitute and improper transfer.
8. The respondent failed properly to apply for his Practising Certificate for the practice year commencing 1st November 1993. Consequently the certificate issued to him previously was terminated by the Law Society on or about the 25th November 1993. Notwithstanding that the respondent continued to practise until on or about the 23rd February 1994 when the respondent ceased to practise following intervention into his practice by the law Society.
9. The respondent contended that he had made an application for a Practising Certificate commencing 1st November 1993 but the Law Society had no record of receipt of such documents and by letter of the 16th December 1993 forwarded to the respondent a further application for completion. It was never submitted to the Law Society by him.
10. In what purported to be an application made by the respondent for a Practising Certificate which had been dated 26th October 1993 the respondent indicated that he had not held clients' money for the practising year 1992/93. It was plain from the Investigation Accountant's report that the respondent had held clients' money in that period. The Tribunal had before it details of sums held and transactions which took place upon client account.
11. On the 11th February 1994 the respondent's client account was in credit in the sum of £18,306.31. On the 15th February 1994 the respondent issued a draft drawn on client account in the sum of £5,263.89. The draft was made payable to Messrs. Charles Russell solicitors. That firm was acting for Standard Life Assurance Co. in bankruptcy proceedings against the respondent in the Canterbury County Court. The claim was for £5,263.89.
12. The bank draft was tendered at Court on the 15th February 1994 as a result of which the bankruptcy proceedings against the respondent were dismissed. It followed, however, that the respondent had utilised funds from client account to discharge his own personal debt.

The Submissions of the Applicant

13. The Law Society was justifiably concerned when a solicitor was unable to put right a small cash shortage discovered on his client account. In such circumstances the Law Society was compelled to intervene.

14. The respondent had clearly made a false statement in what purported to be an application for a Practising Certificate. He had then utilised clients' monies in order to ensure that a bankruptcy petition which had been issued against him should be dismissed. There was no suggestion that the clients concerned had authorised his utilising such monies for his own purposes.
15. The respondent had behaved in a dishonest manner and certainly had been guilty of conduct unbefitting a solicitor.
16. Sixteen applications had been made to the Law Society's Compensation Fund and the claims that had been paid and pending totalled over £93,000.

The Tribunal FOUND the allegations to have been substantiated. They were very concerned that the respondent appeared to have behaved recklessly and dishonestly and had, apparently left the United Kingdom without any indication that he would attempt to put matters right. It was not behaviour that would be tolerated by the solicitors' profession and the Tribunal Ordered that the respondent be Struck Off the Roll of Solicitors and further ordered him to pay the costs of and incidental to the application and enquiry (to include the costs of the Investigation Accountant of the Solicitors Complaints Bureau), the total sum of all costs to be £4,464.49.

DATED this 14th day of May 1996

on behalf of the Tribunal



K.I.B. Yeaman
Chairman

Findings filed with the
Law Society on the 21st
day of May 1996